

EX PARTE OR LATE FILED

LAND MOBILE COMMUNICATIONS COUNCIL

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March 14, 1997

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IMSA

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MRFAC

NASF

PCIA

TIA

UTC

Mr. William F. Caton
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: *In re* Advanced Television Systems and Their Impact Upon the
Existing Television Broadcast Service; MM Docket No. 87-268
Notice of Ex Parte Presentation

Dear Mr. Caton:

On this date, the Land Mobile Communications Council ("LMCC") delivered the enclosed written *ex parte* presentation to FCC Commissioner Susan Ness for consideration in the above-referenced rule making proceeding.

In accordance with Section 1.1206(a)(1) of the Commission's rules, I am submitting two copies of this letter for inclusion in the official files for PR Docket No. 87-268.

Very truly yours,

Mark E. Crosby
Secretary/Treasurer

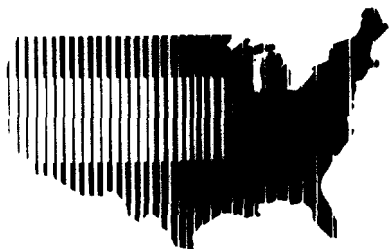
Enclosures

cc: Office of Commissioner Ness
David R. Siddall, Esq.

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Commissioner Susan Ness
Federal Communications Commission
1919 M Street, N.W., Room 844
Washington, DC 20554

Re: *In re* Advanced Television Systems and Their Impact Upon the
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Ex Parte Presentation

Dear Commissioner Ness:

The Land Mobile Communications Council ("LMCC") supports the efforts of the Federal Communications Commission to recover long-unused prime spectrum from the television broadcast allocation.¹

The proposed recovery of a portion of the 400 MHz of prime spectrum for non-broadcast uses represents a win-win situation that can accommodate both digital television service (DTV) and new mobile operations.

¹ The following LMCC members support and endorse the policy positions reflected in this *Ex Parte* filing:

American Association of State Highway and Transportation Officials (AASHTO)
American Automobile Association (AAA)
American Petroleum Institute (API)
American Trucking Associations, Inc. (ATA)
Association of American Railroads (AAR)
Association of Public Safety Communications Officials-International, Inc. (APCO)
Forest Industries Telecommunications (FIT)
Forestry-Conservation Communications Association (FCCA)
Industrial Telecommunications Association, Inc. (ITA)
Intelligent Transportation Society of America (ITSA)
International Association of Fire Chiefs (IAFC)
International Municipal Signal Association (IMSA)
International Taxicab and Livery Association (ITLA)
Manufacturers Radio Frequency Advisory Committee (MRFAC)
Personal Communications Industry Association (PCIA)
Telecommunications Industry Association (TIA)
UTC, The Telecommunications Association (UTC)

LMCC submits, however, that the Commission and the American public will not reap the full benefits of implementing the DTV allotment plan unless prompt action is taken to make more efficient use of the spectrum represented by TV channels 60-69. Specifically, LMCC urges the Commission to allocate the 60 megahertz of spectrum in these channels for public safety, private industrial/business and commercial mobile radio uses.

To promote an orderly transition of TV channels 60-69 to new uses and make the most advantageous use of this spectrum to serve the public interest, LMCC's members believe it is imperative that the Commission adopt provisions aimed at converting these channels to mobile uses as identified below.

Specifically, LMCC urges the Commission to include in its decisions in the instant proceeding, and in the follow-up rule makings, provisions that would:

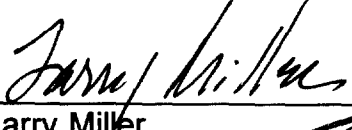
1. MINIMIZE DTV allotments in TV channels 60-69.
2. ALLOCATE 24 MHz of TV channel 60-69 spectrum for public safety needs as documented in the PSWAC Report.
3. APPORTION the remaining 36 MHz of TV channel 60-69 spectrum among: (a) critical industries/businesses for internal communications systems and (b) carriers for subscriber-based mobile systems.
4. EMPLOY economic or market-based assignment methods such as spectrum leases or competitive bidding, as appropriate, in the 36 MHz of spectrum apportioned to critical industries/businesses and carriers, so as to promote the equitable assignment of licenses and contribute toward reduction of the federal deficit. The overwhelming majority of LMCC's membership supports the use of spectrum leases in assigning frequencies in any new spectrum allocated for internal-use industrial/business systems.
5. IMPOSE a closely circumscribed schedule for the transition of the spectrum to land mobile uses, with the schedule to be based on the following milestones:
 - ♦ ADOPTION of a DTV allotment plan decision by April 1, 1997, articulating the intention to reallocate spectrum in channels 60-69, with 24 MHz to be designated for public safety and 36 MHz to be designated for critical industries/businesses and commercial mobile radio ("CMRS") systems.

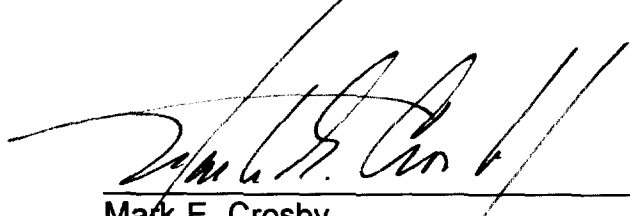
- ♦ ADOPTION of Notices of Proposed Rule Making by May 1, 1997, proposing: (a) the reallocation of TV channels 60-69 for public safety, critical industries/businesses and CMRS uses, and (b) licensing and service rules to implement the reallocation.
- ♦ ADOPTION of a Report and Order finalizing the reallocation by August 1, 1997 or sooner, according to the dictates of Congress.
- ♦ ADOPTION of a Report and Order finalizing service rules for mobile use of channels 60-69 by December 31, 1997 or sooner, according to the dictates of Congress.

On behalf of its members, the Land Mobile Communications Council appreciates the opportunity to express its views to the Commission on a matter having such critical significance for the future of the land mobile services and the American public. The LMCC respectfully urges the Commission to consider the foregoing points as it strives to resolve the instant proceeding in a manner that best serves the public interest.

If there should be any questions regarding this matter, kindly contact us.

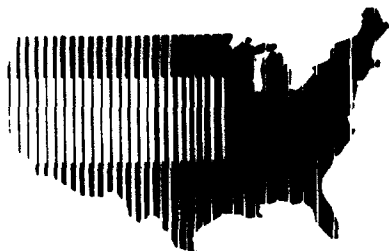
Respectfully submitted,
LAND MOBILE COMMUNICATIONS COUNCIL


Larry Miller
President
444 N. Capitol Street, N.W., Suite 249
Washington, DC 20001
(202) 624-8480


Mark E. Crosby
Secretary/Treasurer
1110 N. Glebe Road, Suite 500
Arlington, VA 22201-5720
(703) 528-5115

Enclosure

cc: Mr. William Caton
Michele C. Farquhar, Esq.
Dan Phythyon, Esq.
Mr. Richard M. Smith
Mr. Robert M. Pepper
Mr. Richard Parlow



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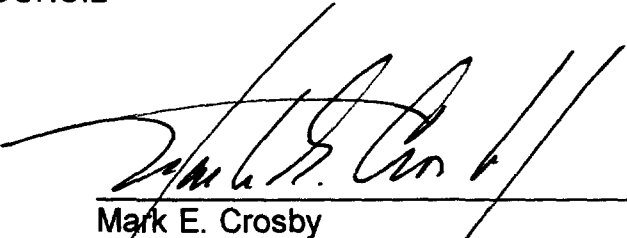
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